

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

| | | |
|---------------------------------|---|--|
| UNITED STATES OF AMERICA | : | |
| | : | |
| v. | : | |
| | : | |
| LEONARD EARNEST ROYSTER, | : | |
| | : | |
| Defendant. | : | |

5:07-CR-16 (WDO)

ORDER

Before the Court is Defendant's Motion to Suppress (Doc. 270). The Government filed a Response to the Motion (Doc. 313) and a Memorandum in Support of their Response (Doc. 346), along with extensive exhibits supporting most, but not all, of their factual assertions. (Doc. 347).

In Defendant's Motion to Suppress, he claims *inter alia* that law enforcement officials failed to properly minimize the interception of phone calls unrelated to the crime under investigation. He also alleges that the Government failed to promptly seal the tapes after the expiration of the wire tap order. The Government contends that both of these arguments are meritless and alleges facts that would support a finding that both the minimization and sealing procedures complied with the law. The Government has not, however, presented admissible evidence in support of those asserted facts.

The Court therefore orders the Government to present any evidence it has within seven days of (1) law enforcement's efforts to minimize the interception of calls unrelated to the investigation, and (2) the logistical challenges that caused the delay in sealing the tapes of the intercepted conversation.

SO ORDERED this 18th day of October, 2007.

s/ Hugh Lawson

HUGH LAWSON, Judge

tch